
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

William Stephen Lush, II,

Plaintiff,

versus

Internal Revenue Service,

Defendant.

§
§
§
§
§
§
§
§

Civil Action H-09-205

Opinion on Dismissal

1. *Introduction.*

A man complains that he was not hired by the Internal Revenue Service after traveling to Austin for part of applying. He demands reimbursement for his travel and badge expenses. Because he fails to state a claim, he will lose.

2. *Background.*

William Lush applied for a position at the Service's branch in Austin. He traveled there to be fingerprinted for the application. The Service called prospective employees back to its Austin branch to receive badges in a "processing session." Lush arrived at the office and was told he would not be employed. He says he is entitled to reimbursement for his application expenses.

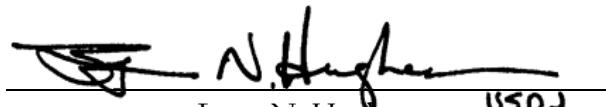
3. *No Claim.*

The Service never promised Lush a job. It never promised to pay his application expenses. It did notify him of the requirements of applying, which Lush chose to fulfill. Without any obligation to Lush under contract, tort, or equity, the Service declined to employ him. Lush has not identified a source of the Service's obligation to reimburse his expenses in applying. His investment in his future in this instance was not successful. In this he is similar to numerous job-seekers, and they all in turn are similar to salesmen who invest time and treasure in prospects. *Prospect is key.*

4. *Conclusion.*

Because Lush did not describe a legally recognizable claim, he will take nothing from the IRS.

Signed on February 26, 2009, at Houston, Texas.



Lynn N. Hughes USDC
United States District Judge